

the polypeptide fragment binds an antibody having specificity for the polypeptide of SEQ ID NO:2;

(d) a nucleic acid that hybridizes to a polynucleotide consisting of SEQ ID NO:1, the complement thereof, or the cDNA contained in ATCC Deposit No. 75874 under hybridization conditions comprising hybridization in a wash buffer consisting of 0.2XSSC and 0.1% SDS at 60°C;

(e)] a nucleic acid comprising 30 contiguous nucleotides of SEQ ID NO:1 or the complement thereof; and

[(f)] (d) a nucleic acid comprising 50 contiguous nucleotides of SEQ ID NO:1 or the complement thereof.

Remarks

Claims 54-67, 75-92 and 102-112 are pending in this application. Claims 54-67, 75-92, 102-107, 109, 110, 113, and 114 were allowed. Applicants respectfully request reconsideration of the rejections and objections in view of the following remarks.

Claims 93 to 100, 113 and 114 have been canceled and claim 108 has been amended. Applicants expressly assert that these claims were canceled and amended for the sole purpose of facilitating prosecution, and not in an effort to overcome the 35 U.S.C. § 102 rejections based on cited art.

No new matter has been added by way of the amendment.

Provisional Non-statutory Double Patenting

The Examiner provisionally rejected claims 93-100, 108 and 111-112 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 08/196,362 (SEQ ID NO: 7788 and 7775), 08/346,731 (SEQ ID NO: 552), 08/420,856 (SEQ ID NO: 552), 08/221,623 (SEQ ID NO: 114), and 08/276,163 (SEQ ID NO: 15161).

Applicants respectfully disagree. Nonetheless, solely in the interest of facilitating prosecution, Applicants have canceled claims 93 to 100, 113, and 114, and amended claim 108 to remove the offending language. Accordingly, the basis of this rejection under the judicially created doctrine of obviousness-type double patenting has been overcome or